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## COMPLAINTS & DISCIPLINARY RULES AND PROCEDURES

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### Document Information

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### CLARIFICATION

This 'Complaints & Disciplinary Rules & Procedures' document supersedes all previous versions of Canoeing Ireland Complaints & Disciplinary Procedures & any pre-existing procedures of any unit or affiliated club.

These procedures apply to all complaints lodged from the date of issue and where any process is currently underway and is not yet concluded that process should now continue using these procedures from the following stage.

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## INTRODUCTION

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It is the right of a member of CANOEING IRELAND (CI) to make a complaint where standards of care, treatment and practice are perceived to fall short of what is acceptable and should be expected. Likewise it is the right of CANOEING IRELAND to take disciplinary action against a member and other units of CANOEING IRELAND for breaches of any rules, codes or regulations of CANOEING IRELAND.

Amendments may be made to the Complaints & Disciplinary Rules and Procedures from time to time, so long as the amendments do not conflict with the Articles of Association and Rulebook of CANOEING IRELAND.

These Rules and Procedures apply to all members, committees, sub-committees, affiliated clubs, disciplines and any other unit of Canoeing Ireland. The current version of the rules are available on the Canoeing Ireland website.

The Rules and Procedures are not an appropriate mechanism for dealing with certain complaints such as allegations of physical or sexual abuse or other potential child abuse issues for which other procedures exist using the appropriate statutory authorities. In this regard reference is made to the Canoeing Ireland 'Child Protection and Vulnerable Adults Policy'.

All persons who administer complaints and disciplinary matters at any level in Canoeing Ireland shall not be liable to any party for any act or omission in connection with their function, role or service provided by such persons in relation to the administration of complaints, appeals and disciplinary matters.

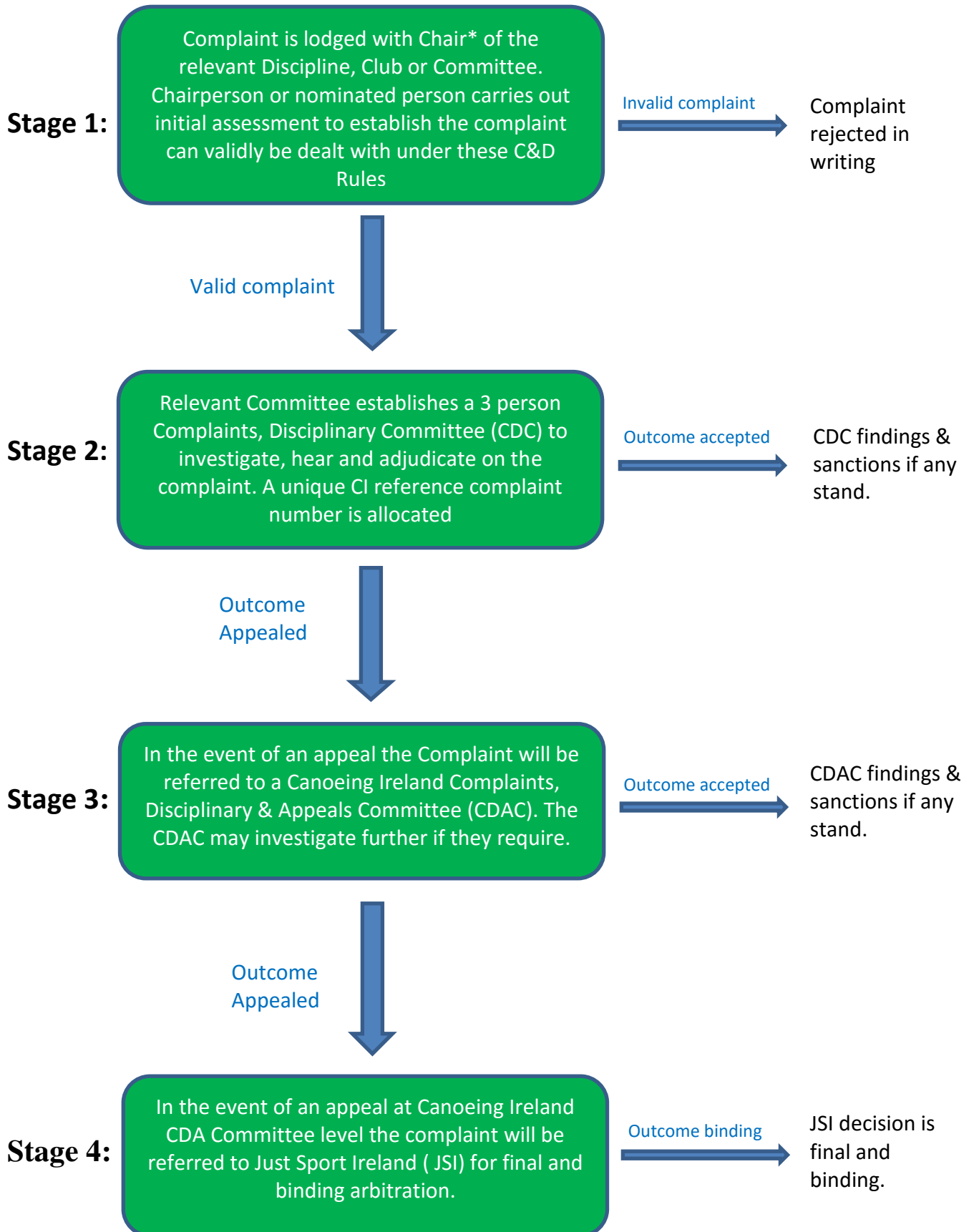
A process flowchart on page 3 outlines the procedure to be followed in the event of a complaint.

### **POLICY:**

It is the policy of Canoeing Ireland to:

- Encourage all committees, clubs & units of Canoeing Ireland to operate in a fair, just and transparent manner.
- Endeavour to foster an environment whereby informal resolution of differences is the norm
- Remind all members that much of our work is undertaken by volunteers who give freely of their time and act in good faith.
- Provide effective procedures to deal with any complaints that cannot be resolved informally

## Complaints, Disciplinary & Appeals Procedure



\*Where the Chair is the subject of the complaint, the complaint may be made to an alternative committee member.

## DEFINITIONS

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**Appeal** means any appeal of a decision of a Complaints & Disciplinary Committee or Canoeing Ireland Complaints, Disciplinary and Appeals Committee, received in writing within 14 days of receipt of a decision by registered post

**Board** means the Board for the time being of Canoeing Ireland as defined in the Memorandum and Articles of Association.

**Complaint** means an honest expression of material discontent submitted on time in writing on an official complaint form, accompanied by all relevant supporting documentation, and the appropriate complaint fee.

**Complainant** means the person making the complaint.

**Complaints & Disciplinary Committee (CDC)** means the Complaints and Disciplinary Committee established to hear a complaint or disciplinary matter at Stage 2.

**Complaints, Disciplinary & Appeals Committee (CDAC)** means the Complaints, Disciplinary & Appeals Committee established from a panel appointed from time to time by the Board of Canoeing Ireland.

**Club** means any Canoe or Kayak club affiliated to Canoeing Ireland. It is recognised that affiliated organisations such as School, Uniformed or Youth groups may have their own over-riding Complaints and Disciplinary procedures for some issues.

**Discipline** means any of the separate disciplines within Canoeing Ireland, at present, the seven competitive disciplines and the Training and Development Unit

**Disciplinary Report** means a report from an Official/Judge or any clarification or addition thereto.

**Disciplinary Matter** means any investigation of or any hearing before a CDC/ CDAC in respect of misconduct by a Member.

**Event** means any national or international event including any training session or competition under the care and management of a representative of any Discipline of Canoeing Ireland.

**Member** means a registered member(s) who has paid the appropriate annual membership fee and who is enrolled on the Register of Members of the Canoeing Ireland or who is a member of a Registered Club for whom the appropriate annual membership fee has been paid by the Registered Club on behalf of that member, as defined in the Articles of Association.

**Official** means a Member who acts in a supervisory, capacity at an event, including but not limited to a Judge, referee, other official, Doctor, physio, or marshal formally or informally appointed.

**Parent** means the legally appointed person responsible for a child – parent or guardian

**Participant** means any member or person who participates in activities organised or sanctioned by Canoeing Ireland and/or its Disciplines at any capacity, including but not limited to a Canoeist, Coach/ Instructor or Manager.

**Procedures** mean these Complaints, Disciplinary and Appeals Procedures.

**Respondent** means the person responding to or the subject of a complaint, disciplinary action or appeal.

**Spectator** means any person, who attends at, but neither participates, officiates or marshals at an event.

**Unit** means any Member, Registered Club, Discipline, Board, Committee or Sub-Committee within Canoeing Ireland.

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## PART 1 – COMPLAINTS, DISCIPLINARY AND APPEALS RULES (“the Rules”)

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### 1.0 GENERAL

- 1.1 These Complaints and Disciplinary Rules and Procedures apply to all members and units of Canoeing Ireland including any sub-units which may be in place from time to time.
- 1.2 The Complaints and Disciplinary Procedures may be used to deal with any offence under rules, policies or regulations adopted by Canoeing Ireland, Discipline Committees or Clubs or any complaint or disciplinary matter howsoever arising excepting exclusions.
- 1.3 **Exclusions**
- (a) Employment and quasi employment contractual disputes.
  - (b) Allegations of child abuse. Such Complaints shall be referred to the statutory authorities by the Children’s Officer.
  - (c) Criminal matters. Such complaints shall be referred to the statutory authorities.
  - (d) Anti-doping matters. Such Complaints shall be dealt with in accordance with the Irish Anti-Doping Rules and World Anti-Doping Agency.
  - (e) Complaints relating to competition rules or athlete selection decisions are to be dealt with by the appropriate discipline.

### 2.0 OFFENCES

- (a) Breach of any of the rules, policies or regulations adopted by Canoeing Ireland, Discipline Committees or Clubs
- (b) Aggressive, offensive, intimidating, threatening behaviour, fighting
- (c) Cheating or Unsportsmanlike behaviour
- (d) Violation of instructions and directives from Officials
- (e) Discrimination or damaging the dignity of a person or a group of persons, in any way whatsoever, in particular due to their colour, race, handicap, sex, sexual orientation, family status, age, religion, ethnic origin or membership of the traveller community
- (f) Inciting hatred or violence
- (g) Bullying (including online)
- (h) Ineligibility – including but not limited to age and club affiliation.
- (i) Forgery, falsification or corruption
- (j) Acts or omissions bringing the sport of Canoeing into disrepute
- (k) Alcohol or substance abuse by Members at an Event
- (l) Criminal investigation for indictable offences
- (m) Criminal conviction likely to bring Canoeing Ireland into disrepute
- (n) Mischievous or vexatious Complaints

### 3.0 SANCTIONS

- 3.1 **Interlocutory Sanctions:** These are temporary, not final or definitive sanctions, imposed at any stage in a CDC/ CDAC process.
- 3.1.1 On confirmation that a Respondent is under criminal investigation for an indictable criminal offence, which if proven, is likely to bring Canoeing Ireland into disrepute, then the CDC/ CDAC shall be empowered to suspend a Member from membership and/or from participation at any level in any Unit

of Canoeing Ireland pending the outcome of a criminal investigation but without necessarily convening an oral hearing on the matter.

**3.1.2** The CDC/ CDAC shall be empowered to impose a suspension on a Respondent pending the determination of a Complaint where in the opinion of the Committee the gravity of the Complaint received shall warrant an immediate suspension.

**3.1.3** Any Interlocutory sanctions imposed must be notified immediately to the Chief Executive and President of Canoeing Ireland.

## **3.2 Sanctions**

**3.2.1** The CDC/ CDAC have sole jurisdiction to impose sanction.

**3.2.2** A sanction may only be imposed by a CDC/ CDAC after a documents-only decision and/ or an oral hearing.

**3.2.3** The following sanctions may be imposed by a CDC/ CDAC:

- (a) Reprimand
- (b) Written warning
- (c) Fine
- (d) Suspension from participation at an Event or in a team for a specified duration or number of Events
- (e) Suspension of membership from club/ club committee for a specified time
- (f) Expulsion from membership from club/ club committee
- (g) Overall suspension/ expulsion from Canoeing Ireland may be recommended to Canoeing Ireland\*
- (h) Suspension/expulsion from office of a person elected to any CI committee excluding the Board of Canoeing Ireland\*.
- (i) Restriction from participating or officiating in any role at an event(s)

\*Any such suspension/ expulsion shall only take effect if ratified by the Board of Canoeing Ireland.

## **4.0 MITIGATING AND AGGRAVATING FACTORS**

**4.1** A CDC/ CDAC shall take into account mitigating and aggravating factors once a decision on culpability is reached but prior to the imposition of a sanction.

**4.2** The following shall be taken into account: -

- (a) Age
- (b) Intellectual Capacity ( vulnerable adult/ child)
- (c) Cooperation
- (d) Prior warnings & Repeat offences
- (e) Apology made & Remorse shown
- (f) Gravity of offence
- (g) Effect on other party
- (h) Effect of sanction of Respondent
- (i) Any other factor deemed relevant

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## PART 2 – THE PROCEDURES

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### 5.0 INTRODUCTION

The Procedures are to be used in respect of (i) complaints (ii) disciplinary matters and (iii) appeals.

The Procedures set out below are intended to provide a step by step guideline as to how a Complaint, Disciplinary Matter or Appeal should be commenced, progressed, decided on and appealed.

The primary function of the CDC/ CDAC is to receive evidence in respect of a Complaint, Disciplinary Matter or Appeal, to investigate further if required, to decide on culpability and to impose a sanction where warranted.

A decision of a CD Committee may be appealed to a Canoeing Ireland CDA Committee. A CDA Committee decision may be challenged to Just Sport Ireland without recourse to the Courts of Ireland but only after all internal avenues of appeal have been exhausted.

### 6.0 PROCEDURES AT EACH STAGE

#### STAGE 1: INITIAL COMPLAINT - (Target Time: 14 Days from Receipt)

1. Complaint is lodged with Chair of the relevant committee in writing using form CID1/2016, with the appropriate fee. Complaints should be submitted within 14 days of the incident save where exceptional circumstances are accepted by the relevant committee.
2. Complaints should be acknowledged by email using form CID2/2016 and a copy of this document should be issued.
3. Where the chairperson is the subject of the complaint, the complaint can be lodged with an alternative committee member.
4. The Chairperson or a person nominated by the Chair carries out an initial assessment to confirm the complaint is valid.
5. Where a complaint is invalid the complainant should be advised of same in writing using form CID3/2016.
6. Where a complaint is valid the complaint progresses to Stage 2. The complaint should be notified to the CI CEO and a unique reference number requested. No details of the complaint are furnished to CI except the names of the CD committee. Delays outside of target time should be notified to complainant.

#### STAGE 2: COMPLAINTS & DISCIPLINARY COMMITTEE (Target Time: 28 Days to issue of decision)

1. The relevant Committee establishes a 3 person Complaints and Disciplinary Committee (CDC) to investigate, receive/hear submissions and adjudicate on the complaint. Some committees/ the Board may wish to maintain a panel.
2. CDC's should examine the written complaint and write to the unit/ person who is the subject of the complaint using form CID3/2016. In this correspondence they should include:
  - (a) The Canoeing Ireland Complaint Form and any accompanying documents
  - (b) A copy of the Complaints Disciplinary Rules and Procedures
  - (c) Details of the composition of the committee and declare that the committee have no conflict of interest.
  - (d) A request for a response by email/ in writing within 5 days from receipt.
  - (e) If oral hearings are planned the time, date and venue should be advised.
3. CDC's may use a documents-only and/or oral hearing format as appropriate to the situation.
4. The CDC should issue their findings in writing to both parties using form CID4/2016. Findings should be concise, factual & clear and written using objective unemotional language. Sanctions may be imposed if warranted subject to the provisions in 3.2.3. On deciding culpability but prior to the imposition of a sanction, the CDC shall take into account any aggravating/ mitigating factors. Decisions will be written without identifying the parties or committee by name but will include the CI reference number. Written records should be maintained securely in a sealed envelope by the appropriate secretary. The envelope should be dated, marked 'PRIVATE & CONFIDENTIAL with CI complaint reference number and a destroy-by date (2 yrs. from completion providing no further developments).
5. The decision of a CDC may be appealed within 14 calendar days of delivery to a Canoeing Ireland CDA Committee via the CI Chief Executive Officer using form CID5/2016.



**STAGE 3: INTERNAL APPEAL (Target time: 28 Days from receipt of Appeal to issue of decision)**

1. Canoeing Ireland will establish a CDA Committee of 3 persons from a standing panel of 5 members.
2. In the case of an appeal the CDAC may investigate further if they so require. Alternatively, they may consider and issue a decision on examination of the records from Stage 2.
3. CDAC's may use a documents-only and/or oral hearings as appropriate to the situation.
4. The CDAC should issue their findings in writing to both parties using form CID4/2016. Sanctions may be imposed if warranted. Written records should be maintained securely in a sealed envelope by the appropriate secretary. The envelope should be dated, marked 'PRIVATE & CONFIDENTIAL with CI complaint reference number and a destroy by date (2 yrs from completion providing no further developments).
5. The decision of a CDAC may be challenged within 14 calendar days of delivery to Just Sport Ireland.

**STAGE 4: APPEAL TO JSI- (A challenge to JSI must be made within 14 days of receipt of decision)**

1. Just Sport Ireland (JSI) arbitration is a sport specific, independent, arbitral institution which appoints arbitrators who have jurisdiction to hear challenges from the decisions of committees in National Governing Bodies.
2. For more details on Just Sport Ireland refer to [www.justsport.ie](http://www.justsport.ie)

**7.0 GENERAL PROCEDURE DETAILS**

**7.1 ERRORS AND OMISSIONS:** Technical errors or any deviation from these Rules & Procedures shall not invalidate any finding or process unless it casts material doubt.

**7.2 DAYS:** Unless otherwise specified, time periods in these Rules are total consecutive days.

**7.3 LIABILITY:** None of the persons involved in the administration of these Rules shall be liable to any person in any way, in relation to acts done or omitted to be done in good faith in connection with these Rules.

**7.4 SEVERABILITY :** If any clause or provision of these Rules is held invalid, unenforceable or illegal for any reason, these Rules shall remain otherwise in full force apart from such clause or provision which shall be deemed deleted insofar as it is invalid, unenforceable or illegal.

**7.5 CONFIDENTIALITY:** The CDC/ CDAC and those parties involved in the administration of Complaints, Disciplinary Matters and Appeals shall keep all information disclosed to them confidential and no disclosure of any detail shall be made to any third party unless in the administration of their disciplinary function. The administration of a disciplinary function may require the disclosure of certain offences and sanctions to be made to other persons at Club, Discipline or national level but only where strictly required. In all cases, such persons shall be bound to confidentiality. The documents produced during any proceedings shall remain private unless required by Law. The complainants and respondents are requested to treat all information relating to the complaint in a confidential manner and to only discuss with persons on a 'need to know' basis.

**7.6 COSTS/EXPENSES:** Any costs or expenses incurred by a Member (or any of their witnesses but not including the CDC/ CDAC) in relation to any matter under the Procedures will be the sole responsibility of that Member. The CDAC shall have no authority to make any award for costs.

There is a cost for administering the Complaints, Disciplinary and Appeals process. Accordingly Members when making a Complaint will be obliged to pay an administration fee. Where a Complaint is upheld, the administration fee will be reimbursed to the Complainant.

Each unit may set their own fee to lodge a complaint which in no case should be higher than the Canoeing Ireland fee, which is €50 at date of this document.

**7.7 NOTIFICATION TO CANOEING IRELAND:** The CEO and President of CI shall be notified in writing of any proposal to impose a sanction involving suspension or expulsion by a CDC/ CDAC. Notification shall include a report on the circumstances and reasons for proposed suspension or expulsion. A Board

meeting shall be called at the earliest possible date by the President to consider and ratify the proposal or otherwise. The CDC/ CDAC will be notified in writing within 5 days of the Board meeting.

- 7.8 SERVICE:** All communications shall either be hand-delivered or sent by e-mail to the relevant person/unit. Official email addresses should be used where available.

Any such communications shall be deemed to be delivered:

If hand-delivered, at the time of delivery;

If sent by e-mail upon confirmed receipt, which should be requested.

- 7.9 MEDIATION:** Canoeing Ireland recognises Mediation as a method of dispute resolution in the context of Complaints but not for Disciplinary Matters or Appeals. Canoeing Ireland reserves the right to introduce a formal Mediation procedure in the future.

- 7.10 ESTABLISHING A COMMITTEE:** In the absence of a complaint or Disciplinary report the Canoeing Ireland Board or any duly elected committee may establish a CDC/ CDAC where an incident comes to their attention which is significant enough to require investigation. In this case a representative of the Board/ Committee will act as complainant.

At Stage 2 a 3-person Committee is appointed by the relevant unit

At Stage 3 Canoeing Ireland shall maintain a 5-person panel from which each 3 person CDAC may be drawn. Panel members should be appointed for a maximum 4-year period. Replacement panel members should be appointed prior to retirement of other members where possible.

Members of the Disciplinary and Appeals Committees shall be required to have a knowledge of Canoeing, sports disciplinary experience or a suitable professional background and shall receive appropriate training in disciplinary and appeals handling.

- 7.11 CONFLICT OF INTEREST:** Where any member of a CDC/ CDAC has any actual, perceived or potential conflict of interest he/she shall stand aside from the process. In the event that they do not stand aside, the Board or relevant committee shall be entitled to remove them and appoint another member.

## **8.0 MINORS & VULNERABLE ADULTS**

- 8.1** Any Member under the age of 18 or vulnerable adult shall be accompanied by their guardian or parent at a hearing.

- 8.2** Any Member under the age of 18 or vulnerable adult who is a Complainant or a Respondent is obliged to attend any hearing or participate in a more appropriate way such as video link or conference call.

- 8.3** Advice should be sought if necessary from the Club, Discipline and National Children's Officer/CE.

- 8.4** The CDC/ CDAC shall ensure a Children's Officer is present at a hearing where the matter concerns an under 18 year old Member. An advocate should be present in the case of a vulnerable adult. The Children's Officer/ Advocate may make submissions on behalf of the child/ vulnerable adult.

## **9.0 CD/CDA COMMITTEE**

- 9.1** Committee shall be empowered to delegate any particular function to one member of the CDC/ CDAC.

- 9.2** A Children's Officer may not sit on a CDC/ CDAC, where either party is a minor.

- 9.3** On appointment, the CDC/ CDAC shall appoint a chairperson & a secretary who will handle all contacts in writing with complainant, respondent, witnesses etc. and keep a record of proceedings of all meetings and decisions which shall be kept on file.

- 9.4** The CDC/ CDAC shall act on a simple majority vote in arriving at a decision. No minority or dissenting decisions shall be produced. In the event of a majority decision, this shall be the decision of the CDC/ CDAC.

- 9.5** The CDC/ CDAC may investigate as they deem fit seeking evidence and assistance as required.

## **10.0 INFORMAL COMPLAINTS PROCEDURE**

- 10.1** On receipt of a Complaint (but not a Disciplinary Matter) by the relevant Chairperson, the Chairperson where appropriate, shall approach both parties to ascertain the parties' agreement to deal with the Complaint under the informal procedure set out below. In this case the complainant should be approached first for agreement.
- 10.2** The Chairperson shall appoint an Officer/Member to act as the informal neutral party.
- 10.3** The neutral third party may contact or meet the parties and may attempt to resolve the Complaint in any manner s/he deems necessary. In this regard the parties agree to the flexible approach that may be adopted by the neutral third party.
- 10.4** In the event that either of the parties to the Complaint is not agreeable to referring the Complaint to the informal complaint procedure then the CDC/ CDAC shall accept jurisdiction to hear the Complaint.
- 10.5** If either party is dissatisfied with the outcome of the informal complaints procedure then they may request a hearing before the CDC/ CDAC.

## **11.0 HEARINGS PROCEDURE**

The CDC/ CDAC, in its discretion, may invite other persons (including but not limited to witnesses, officials or experts) to provide evidence or assistance to the CDC/ CDAC in any form.

**11.1** The parties attending a CDC/ CDAC are entitled to: -

- (a) Be accompanied at the hearing, by either a Member of Canoeing Ireland or if the Member is a minor, by a parent or guardian.
- (b) Call witnesses. Such witnesses may only be present at the hearing in order to give evidence and may be questioned by the CDC/ CDAC.
- (c) Make submissions in writing or otherwise.
- (d) Rely on any supporting documents

Where a party exercises any or all of the rights as set out in (a) to (d) above then the party shall notify the Chairperson of the CDC/ CDAC who shall notify the other party (Complainant/Respondent) of the names of any persons accompanying them to the hearing and the names of any witnesses who will appear on their behalf.

Investigations are conducted by written and oral inquiries and by the examination of individuals if necessary. Expert opinion and/or reports may be sought and an inspection of documents or files may be necessary.

Any Participant and/or Member, shall reasonably co-operate with an investigation and failure to co-operate may result in disciplinary action being taken.

- 11.2** The CDC/ CDAC shall conduct the hearing in any matter that it deems necessary subject to them being consistent with these rules and procedures.
- 11.3** The CDC/ CDAC shall have the discretion to accept testimony by conference call (attended by all committee), written statement or submission by email or other means.
- 11.4** The CDC/ CDAC shall have the power to decide on the admissibility, relevance and weight of any evidence (including the testimony of any fact or expert witness) and shall not be bound by any laws or rules regarding the conduct of Court proceedings in relation to such matters. Facts may be established by any reliable means, including admissions.

- 11.5** In the event of the non-attendance, without reasonable cause (considered by the Committee to be justifiable reason for non-attendance), of a Complainant at a hearing, the Complaint/Disciplinary Matter against the Respondent shall be dismissed
- 11.6** In the event of non-attendance, without reasonable cause, of a Respondent at a hearing, the CDC/ CDAC will be entitled to proceed to hear the matter and decide the matter based on the information and evidence before it. The CDC/ CDAC may draw an adverse inference against a Respondent who fails to appear at the hearing after being given reasonable notice of the hearing, or the Participant's refusal to answer questions put to him or her by the Complainant or by the CDC/ CDAC.
- 11.7** The CDC/ CDAC may adjourn or rearrange the hearing at its discretion. An adjourned or rearranged hearing shall take place as soon as is practicable, and the suspension of the Member, if already imposed, shall be automatically extended until the rearranged hearing takes place.
- 11.8** In the case of a disciplinary action a representative of the relevant Committee shall present the case against the Respondent. In the case of a Complaint the Complainant shall present the case against a Respondent.
- 11.9** The Complainant shall have the burden of proving the alleged rule breach(es). The standard of proof shall be whether the Complainant has established the rule breach(es) on the balance of probabilities i.e. more likely than not. Where facts are established by virtue of a Disciplinary Report the burden of proof is then on the Respondent to establish the contrary on the balance of probabilities.
- 11.10** Facts established by a decision of a Court which is not the subject of a pending appeal shall be irrefutable evidence of those facts against a Respondent.
- 11.11** The decision of the CDC/ CDAC shall be made and notified in writing to the relevant parties within 3 days of the hearing, unless the Committee deem an extension of time necessary.
- 11.12** The decision shall be issued on the CI standard form which should include information and timeframes for appeal.

Pending the appeal, the original sanction imposed by the CDC/ CDAC and, where applicable ratified by the Board, shall stand.

Written records should be stored securely in a sealed envelope by the appropriate secretary. The envelope should be dated, marked with CI complaint reference number and a destroy-by date (2 years from completion providing no further developments) and deposited with the CI CEO to be securely filing in the Canoeing Ireland head office.

## **12.0 JSI ARBITRATION**

- 12.1** Subject to all internal avenues of appeal having been exhausted, any decision made or procedure used by Canoeing Ireland or any unit shall be referred to Just Sport Ireland (JSI) for final and binding arbitration by a single arbitrator in accordance with the JSI Arbitration Rules and in accordance with the Arbitration Act 2010 as amended.
- 12.2** This rule shall also apply to every participant and member. Each such participant or member is bound to refer any dispute or difference which remains unresolved after all internal avenues of appeal have been exhausted to JSI arbitration in accordance with sub-article (b) above.
- 12.3** The effect of this rule is to prohibit any party to such dispute or difference from commencing legal proceedings before the Courts.
- 12.4** The party challenging the decision of the CDA Committee shall deliver a written notification to the secretary of JSI within 14 days of receipt of the Canoeing Ireland CDA Committee decision specifying: -
- i. date of decision
  - ii. the grounds of appeal

- iii. copy of relevant documentation; and
- iv. enclosing the JSI fee.

- 12.5** A copy of the JSI Notice of Appeal shall be sent by registered post to the CEO of the Canoeing Ireland.
- 12.6** No Unit or member of Canoeing Ireland shall refer a dispute to JSI Arbitration until all available avenues of appeal Rules have been exhausted
- 12.7** For more details on Just Sport Ireland refer to <http://www.justsport.ie>
- 12.8** No Unit or member of Canoeing Ireland shall refer a dispute / complaint to Sport Ireland in any circumstances. All such complaints / disputes must be handled under the provisions of this Complaints & Disciplinary Rules.

**APPENDIX 1: FORM ID: CID1/2016**  
**CANOEING IRELAND – OFFICIAL COMPLAINT FORM**

PLEASE SEE REVERSE (**APPENDIX 2**) FOR GUIDELINES. ONLY COMPLAINTS SUBMITTED USING THIS FORM ACCOMPANIED BY THE APPROPRIATE FEE WILL BE PROCESSED. PRINT IN BLOCK CAPITALS PLEASE OR TYPE ON AN ELECTRONIC FORM DOWNLOADED FROM THE CANOEING IRELAND WEBSITE.

Name: \_\_\_\_\_ Current member of Canoeing Ireland: Yes  No

Canoeing Ireland Number: \_\_\_\_\_ Club (if any): \_\_\_\_\_

Address: \_\_\_\_\_

Email: \_\_\_\_\_ Mobile: \_\_\_\_\_ Tel: \_\_\_\_\_

If you are under 18 or a vulnerable adult please provide details of Parent/ Guardian:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Email: \_\_\_\_\_ Mobile: \_\_\_\_\_ Tel: \_\_\_\_\_

**Complaint Details:** Please outline the details of your complaint stating the Canoeing Ireland Rule or Procedure believed to have been breached if known.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

When did the action(s) giving rise to the complaint arise? \_\_\_\_\_

Names and contact details of witnesses if any: \_\_\_\_\_

Has the complaint been reported to anyone else? \_\_\_\_\_

Would you be open to an attempt at informal resolution to this complaint? Yes  No

What is your preferred outcome of this complaint? \_\_\_\_\_

Supporting Documents: I have supporting documentation regarding my complaint. Yes  No   
(Please attach any supporting documents you consider relevant to this complaint.)

**Declaration:** I confirm that the above complaint and the attached documentation is a true reflection of the matter at hand and that all information is provided in a true and fair manner.

I attach a cheque/ postal order for €50 (refundable if complaint upheld)

Signed: \_\_\_\_\_ Date: \_\_\_\_\_ Parent/Guardian Signature: \_\_\_\_\_  
(If applicable)

**Office Use:** Date received: \_\_\_\_\_ Received By: \_\_\_\_\_ Date Acknowledged (CID2/2016): \_\_\_\_\_

Complaint valid for processing under CI/ Club/ Committee rules. Yes  No  If Yes **CI Complaint Ref No:** \_\_\_\_\_

Names of CD Committee: \_\_\_\_\_

Date Parties Notified on CID3/2016): \_\_\_\_\_ Date Officially handed over to CD Committee: \_\_\_\_\_

## APPENDIX 2:

### GUIDELINES FOR PERSONS MAKING OR RECEIVING A COMPLAINT UNDER THE CANOEING IRELAND COMPLAINTS & DISCIPLINARY RULES AND PROCEDURES

#### Making a complaint:

1. This form should be used for making a complaint to Canoeing Ireland or any unit of Canoeing Ireland i.e. Club, Discipline or Committee.
2. Only complaints submitted using this form accompanied by the appropriate fee will be processed.
3. Your complaint will be dealt with in accordance with the Canoeing Ireland Complaints and Disciplinary Rules and Procedures. The current version of all rules and procedures are available at [www.canoe.ie](http://www.canoe.ie). This document outlines the procedures and target timeframes for dealing with complaints.
4. The form should be submitted to the Chairperson of the relevant committee or club.
5. In the interests of resolving all complaints without further complications we kindly request that you treat all information relating to your complaint as confidential and only discuss with persons on a 'need to know' basis.
6. If you do not receive a response to your complaint please contact the Chief Executive Officer of Canoeing Ireland directly.

#### How your complaint will be handled:

1. The Chairperson will acknowledge your complaint in writing using form CID2/2016
2. The Chairperson will carry out an initial assessment to confirm your complaint is valid for processing and you will be notified in writing using form CID3/2016.
3. An official Canoeing Ireland reference number will be requested and assigned to all valid complaints.
4. Valid Complaints will be investigated by a 3 person Complaints and Disciplinary Committee who may conduct a documents only and/or oral hearing. A copy of this form and any accompanying documentation will be issued to the person who is the subject of the complaint.
5. The outcome of your complaint will be notified to you using form CID3/2016
6. You have a right to appeal this outcome within the specified timeframe.

#### Guidelines for persons dealing with complaints

1. All complaints must be processed strictly in accordance with the Canoeing Ireland Complaints and Disciplinary Rules and Procedures (current version available at [www.canoe.ie](http://www.canoe.ie))
2. All submissions and correspondence should be made using the official forms which are in the back of the Complaints and Disciplinary Rules and Procedures document.
3. In the interests of resolving all complaints without further complications you must treat all information relating to this complaint as confidential and only discuss with persons on a 'need to know' basis.
4. Fees should be passed to the appropriate treasurer for lodgment upon confirmation that complaint is valid for processing.
5. In the event that you need any assistance or clarification in implementing these procedures please contact the Chief Executive Officer of Canoeing Ireland.

**CANOEING IRELAND – COMPLAINT CORRESPONDENCE ACKNOWLEDGEMENT FORM**

Date: \_\_\_\_\_

CI Complaint Ref No (if issued): \_\_\_\_\_

For the attention of: \_\_\_\_\_

From: \_\_\_\_\_

Dear \_\_\_\_\_,

**I wish to acknowledge your correspondence as highlighted below:**

- Official Complaint Form CID1/2016
- Your response to a complaint made against you
- Your appeal of a decision relating to the above Complaint Ref No

**I wish to advise that the following position applies to your correspondence:**

- An initial assessment will be carried out to confirm your complaint is valid for processing. You will receive further correspondence in approximately 14 Days
- Your response to a complaint made against you will be reviewed by the Complaints and Disciplinary Committee who will revert in due course
- Your Complaint is not valid for processing due to the reasons below   
\_\_\_\_\_
- Your appeal of a decision re the above Complaint Ref No has not been accepted as it was received on \_\_\_\_\_, which is past the specified period for appeal
- Your appeal has been forwarded to a Canoeing Ireland Complaints and Disciplinary and Appeals Committee for consideration

**I wish to acknowledge receipt of complaint/ appeal fee of € \_\_\_\_\_** (please insert N/A if no fees)

Additional Information: \_\_\_\_\_

\_\_\_\_\_

Signed: \_\_\_\_\_

Position: \_\_\_\_\_

Committee/ Club: \_\_\_\_\_

**This document and any documents attached with it are confidential and intended solely for the intended recipient.**

**Guidelines:** This form should be used to acknowledge all correspondence at the earliest opportunity. Form may be sent by post or scanned and emailed to the individuals personal email address as advised.



**APPENDIX 4: FORM ID: CID3/2016**  
**CANOEING IRELAND – NOTIFICATION TO RESPONDENT OF A COMPLAINT OR APPEAL**

Date: \_\_\_\_\_

CI Complaint Ref No ( if issued): \_\_\_\_\_

For the attention of: \_\_\_\_\_

Address: \_\_\_\_\_

From: \_\_\_\_\_

Dear \_\_\_\_\_,

I wish to advise that a Complaint has been made against you. I attach a copy of the complaint form and any accompanying documentation for your information.

I wish to advise that an Appeal has been made by the other party to the Complaint  / the relevant Discipline Committee  / the Board of Canoeing Ireland  – Ref no. as above. I attach a copy of the appeal form and any accompanying documentation for your information.

I also enclose a copy of the Canoeing Ireland Complaints, Disciplinary and Appeals Procedure for your information. This document outlines how the Complaints, Disciplinary and Appeals Procedure operates. A copy of all current Canoeing Ireland policy and procedure documents are available at [www.canoe.ie](http://www.canoe.ie)

An Investigation will be carried out by a 3 person Complaints & Disciplinary Committee (CDC)  / Complaints, Disciplinary and Appeal Committee (CDAC) . This investigation may take the form of a documents only and/or oral hearings in order to establish the facts of the situation.

The members of the Committee appointed to hear this complaint/ appeal are:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

The above Committee have confirmed that they have no conflict of interest in relation to investigating this matter.

**You have a right of reply and we would request that you:**

- Forward a written response to the complaint in writing within 5 days of delivery of this letter.
- Confirm you can attend an Oral Hearing in line with the Canoeing Ireland Complaints, Disciplinary and

Appeals Rules and Procedures at Time: \_\_\_\_\_ on Date: \_\_\_\_\_ at Address: \_\_\_\_\_

PLEASE NOTE IN THE ABSENCE OF ANY REPLY THE CDC/ CDAC WILL PROCEED WITH THIS INVESTIGATION USING THE INFORMATION AVAILABLE TO THEM. SANCTIONS MAY ALSO BE IMPOSED.

Additional Information: \_\_\_\_\_

Signed: \_\_\_\_\_

Position: \_\_\_\_\_

Committee/ Club: \_\_\_\_\_

**This document and any documents attached with it are confidential and intended solely for the intended recipient.**

**Guidelines:** Notifications of a Complaint against a person or an Appeal should be sent by the CD(A)C at the earliest opportunity. Form may be sent by post or scanned and emailed to a confirmed personal email address. If sent by email a receipt request should be included.

**APPENDIX 5: FORM ID: CID4/2016  
CANOEING IRELAND – COMPLAINT/ APPEAL DECISION FORM**

Date: \_\_\_\_\_

CI Complaint Ref No: \_\_\_\_\_

For the attention of: **ALL PARTIES TO THE ABOVE COMPLAINT & CANOEING IRELAND**

Dear \_\_\_\_\_,

**I wish to advise that a Complaints and Disciplinary Committee (CDC)  / Canoeing Ireland Complaints, Disciplinary and Appeals Committee (CDAC)  has investigated the above referenced complaint and have issued the following decision.**

- The Complaint has been upheld
- The Complaint has not been upheld
- The Appeal has been upheld
- The Appeal has not been upheld
- The issues have been resolved through the Informal Complaints Procedure

The main reasons for this decision are: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The CD/ CDA Committee have determined the following outcomes are appropriate:

- No sanctions are to be imposed on the respondent to the complaint
  - The following sanctions are to be imposed on the respondent to the complaint
- \_\_\_\_\_

**EITHER PARTY OR THE RELEVANT CLUB/ DISCIPLINE, COMMITTEE OR BOARD OF CANOEING IRELAND ARE ENTITLED TO APPEAL THE ABOVE DECISION AS BELOW:**

- An initial Complaint decision may be appealed to a Canoeing Ireland Complaints, Disciplinary and Appeals Panel **within 14 calendar days of delivery** via The Chief Executive, Canoeing Ireland, Irish Sport HQ, National Sports Campus, Blanchardstown, Dublin 15.
- The decision of a Canoeing Ireland internal appeal ( Stage 3) may be challenged to Just Sport Ireland **within 14 calendar days of delivery** – see [www.justsport.ie](http://www.justsport.ie)

Please be advised that the Canoeing Ireland Complaints, Disciplinary and Appeals Procedure is available online at [www.canoe.ie](http://www.canoe.ie)

**THIS DOCUMENT, ITS CONTENTS AND ANY ACCOMPANYING DOCUMENTS ARE CONFIDENTIAL TO THE INTENDED RECIPIENTS AND MAY NOT BE PUBLISHED IN ANY FORUM OR DISSEMINATED WITHOUT THE EXPRESS WRITTEN CONSENT OF THE BOARD OF CANOEING IRELAND.**

**ISSUED ON BEHALF OF THE CD(A) COMMITTEE**

**Guidelines:** This document should be forwarded to all parties at the same time i.e. complainant, respondent, appellant, respondent to appeal. Please retain evidence of communication. The parties should not be named in this document but should be referred to as the Complainant, Respondent or Appellant. A copy of this decision should be stored in accordance with the Complaints & Disciplinary Rules and Procedures.

**APPENDIX 6: FORM ID: CID5/2016**  
**CANOEING IRELAND – FORM FOR APPEAL AGAINST**  
**COMPLAINTS AND DISCIPLINARY COMMITTEE DECISIONS**

PLEASE SEE REVERSE (**APPENDIX 7**) FOR GUIDELINES. ONLY APPEALS SUBMITTED USING THIS FORM ACCOMPANIED BY THE APPROPRIATE FEE WILL BE PROCESSED. **PRINT IN BLOCK CAPITALS PLEASE OR TYPE ON AN ELECTRONIC FORM DOWNLOADED FROM THE CANOEING IRELAND WEBSITE.**

**CI Complaint Ref No:** \_\_\_\_\_

Name: \_\_\_\_\_ Current member of Canoeing Ireland: Yes  No

Canoeing Ireland Number: \_\_\_\_\_ Club (if any): \_\_\_\_\_

Address: \_\_\_\_\_

Email: \_\_\_\_\_ Mobile: \_\_\_\_\_ Tel: \_\_\_\_\_

If you are under 18 or a vulnerable adult please provide details of Parent/ Guardian:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Email: \_\_\_\_\_ Mobile: \_\_\_\_\_ Tel: \_\_\_\_\_

**Date of Original Complaint:** \_\_\_\_\_

**Are you the Complainant or subject of the original complaint?** \_\_\_\_\_

**Appeal Details:** Please outline the grounds for your appeal.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Would you be open to an attempt at informal resolution to this complaint ? Yes  No

Supporting Documents: I have supporting documentation regarding my appeal. Yes  No

(Please attach any supporting documents)

**Declaration:** I confirm that the above Appeal and the attached documentation is a true reflection of the matter at hand and that all information is provided in a true and fair manner.

I attach a cheque / postal order for €50 (refundable if appeal upheld)

Signed: \_\_\_\_\_ Date: \_\_\_\_\_ Parent/Guardian Signature: \_\_\_\_\_  
(If applicable)

**Office Use:** Date received: \_\_\_\_\_ Received By: \_\_\_\_\_ Date Acknowledged (CID2/2016) : \_\_\_\_\_

Appeal received within date Yes  No

Names of CDA Committee: \_\_\_\_\_

Date Parties Notified on CID3/2016): \_\_\_\_\_ Date Officially handed over to C&D Committee: \_\_\_\_\_

## APPENDIX 7

### GUIDELINES FOR PERSONS MAKING OR RECEIVING AN APPEAL UNDER THE CANOEING IRELAND COMPLAINTS & DISCIPLINARY RULES AND PROCEDURES

#### **Making an Appeal:**

1. This form should be used only for making an appeal to an initial decision of a Complaints and Disciplinary Committee. Only complaints submitted using this form accompanied by the appropriate fee and **received within 14 calendar days of delivery** will be processed
2. Your appeal will be dealt with in accordance with the Canoeing Ireland Complaints and Disciplinary Rules and Procedures. The current version of all rules and procedures are available at [www.canoe.ie](http://www.canoe.ie). This document outlines the procedures and target timeframes for dealing with complaints.
3. This appeal form should be submitted to the CEO, Canoeing Ireland, Irish Sport HQ, National Sports Campus, Blanchardstown, Dublin 15.
4. In the interests of resolving all complaints without further complications we kindly request that you treat all information relating to this appeal/ complaint as confidential and only discuss with persons on a 'need to know' basis.

#### **How your Appeal will be handled:**

1. The CEO will acknowledge your appeal in writing using form CID2/2016
2. Appeals received on time will be investigated by a 3 person Complaints, Disciplinary and Appeals Committee (CDAC) drawn from a Canoeing Ireland Panel.
3. The CDAC may conduct a documents-only and/or oral hearing. A copy of this form and any accompanying documentation will be issued to the other party/ies from the original complaint.
4. The outcome of your Appeal will be notified to you using form CID4/2016
5. You have a right to challenge the outcome of this appeal to Just Sport Ireland within the specified timeframe.

#### **Guidelines for persons dealing with an Appeal**

1. All appeals must be processed strictly in accordance with the Canoeing Ireland Complaints and Disciplinary Rules and Procedures ( current version available at [www.canoe.ie](http://www.canoe.ie))
2. All submissions and correspondence should be made using the official forms which are in the back of the Complaints and Disciplinary Rules and Procedures document.
3. In the interests of resolving all complaints & appeals without further complications you must treat all information relating to this complaint as confidential and only discuss with persons on a 'need to know' basis.
4. Fees should be passed to the appropriate treasurer for lodgment upon confirmation that Appeal is valid for processing.

## **APPENDIX 8**

### **Additional Notes on Policy and Procedures Implementation**

All Clubs must accept they will abide by this policy – accordingly it should be posted on the Canoeing Ireland website and when clubs renew with CI annually they should sign to confirm acceptance of this and other policies

All complaints are to be notified to Canoeing Ireland (without detail) and a reference number should be sought. The names of the CD(A) committee should be advised to CI

All decisions should be stored securely by CI for a specified time. Decisions will be on the standard form and will include the CI reference number but no names of individuals involved.

CI office should apply codes for the forms used with this process replacing the suggested codes used as part of an overall document management system.